

**OPINION  
49-61**

December 15, 1949            (OPINION)

FEDERAL HOUSING ACT

RE:    North Dakota Has Adequate Statutes To Be Eligible to Accept  
         Assistance and Create Housing Authorities

Your letter of December 14, 1949, to the attorney general, has been received.

In your letter you ask the opinion of this office as to (1) whether existing state legislation authorizes the creating of housing authorities in cities and counties of the state, and (2) whether state laws, now in effect, would enable these authorities, when established according to law, to accept assistance in any form from the federal government in accordance with the provisions of the Federal Housing Act of 1949.

Answering your first question, will say that chapter 23-11 of the North Dakota Revised Code of 1943 sets out the housing authorities law. It gives certain definitions and it provides for the establishing of a housing authority. Section 23-1102 reads, in part, as follows: "In each city and in each county of the state, there is created a public body corporate and politic to be known as the 'housing authority' of the city or county, as the case may be, \* \* \*" and the following sections provide how such housing authorities are to be created. As you have access to the code, we are not undertaking to set them out in detail.

Answering your second question, we call your attention to subsection 29 of section 23-1111, which reads as follows:

"To borrow money or accept grants or other financial assistance from the federal government for, or in aid of, any housing project within its area of operation."

It is our opinion that the answers to both of your questions are in the affirmative, and that we have ample law upon our statute books for the creating of housing authorities and that such housing authorities can borrow money from federal setups.

WALLACE E. WARNER

Attorney General